

Message Text

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ACTION SCS-06

INFO OCT-01 NEA-10 ISO-00 CA-01 L-03 H-01 FBIE-00
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FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC IMMEDIATE 1951
INFO AMCONSUL JERUSALEM

C O N F I D E N T I A L TEL AVIV 3538

E.O. 11652: GDS
TAGS: CARR, IS: (ESMAIL, SAMI)
SUBJECT: W/W: ARREST: SAMI ESMAIL

REF: STATE 64906 AND 64236

1. CONOFF, ON MARCH 15, SHOWED VICE CONSUL DAVISON'S SWORN STATEMENT TO SAMI ESMAIL'S ATTORNEY, FELICIA LANGER, AND THEREAFTER TO THE STATE PROSECUTOR. THE STATE PROSECUTOR, MRS. SARAH SIROTA, AFTER REVIEWING THE STATEMENT, SAYS THAT IF THE STATEMENT IS INTRODUCED AT THE HEARING SHE WILL HAVE TO INSIST ON CROSS-EXAMINATION OF DAVISON. CONOFF ASKED WHETHER SUCH CROSS-EXAMINATION COULD BE CONDUCTED BY SWORN WRITTEN RESPONSES TO INTERROGATORIES OR, ALTERNATIVELY, BY DEPOSITION OF DAVISON ON EMBASSY PREMISES. MRS. SIROTA REGRETTED THAT THERE IS NO PROVISION IN ISRAELI LAW FOR CONDUCTING CROSS-EXAMINATION IN THIS MANNER AND THAT ONCE THE SWORN STATEMENT HAD BEEN INTRODUCED DAVISON WOULD BE CALLED UPON TO APPEAR BEFORE THE COURT FOR CROSS-EXAMINATION.

2. IN VIEW OF THE FOREGOING, EMBASSY HAS NOT TRANSMITTED DAVISON'S AFFIDAVIT TO DEFENSE ATTORNEY LANGER PENDING A DECISION BY DEPARTMENT AS TO WHETHER IT IS PREPARED TO WAIVE DAVISON'S CONSULAR IMMUNITY TO THE EXTENT OF PERMITTING HIM TO BE PLACED UNDER OATH BEFORE THE TEL AVIV DISTRICT COURT
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AND SUBJECT TO VERBAL CROSS-EXAMINATION.

3. IT NEED NOT BE POINTED OUT TO DEPARTMENT THAT SHOULD VICE CONSUL DAVISON'S SWORN STATEMENT BE INTRODUCED AT THE ESMAIL TRIAL AND HE FAILED TO RESPOND TO A SUBPOENA TO APPEAR BEFORE THE COURT AS A WITNESS, DAVISON WOULD BE SUBJECT TO CONTEMPT PROCEEDINGS BY THE COURT.

4. THE ESMail TRIAL HAS BEEN ADJOURNED UNTIL MARCH 26. IT
WOULD BE APPRECIATED IF DEPARTMENT COULD PROVIDE GUIDANCE
CONCERNING SUBMISSION OF THE DAVISON STATEMENT WELL BEFORE
THE RECONVENING OF THE COURT.
VIETS

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